

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DAMONT HAGAN,</b>	:	<b>CIVIL NO. 1:19-CV-0454</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN WETZEL, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 29th day of November, 2019, upon consideration of plaintiff's motion (Doc. 19) for leave to file an amended complaint, and it appearing that plaintiff may file an amended complaint as a matter of course, see FED. R. CIV. P. 15(a)(1)(B) ("[a] party may amend its pleading once as a matter of course within . . . if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b) . . ."), and since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating any original complaint, see Palakovic v. Wetzel, 854 F.3d 209, 220 (3d Cir. 2017) ("in general, an amended pleading . . . supersedes the earlier pleading and renders the original pleading a nullity"), and any motion to dismiss challenging the original complaint is now moot, see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice & Procedure* § 1476 (2d ed. 1990) ("A pleading that has been amended . . . supersedes the pleading it modifies. . . . Once an amended pleading is interposed, the original pleading no

longer performs any function in the case and any subsequent motion made by an opposing party should be directed at the amended pleading”), it is hereby

ORDERED that:

1. The motion (Doc. 19) for leave to file an amended complaint is GRANTED.
2. The amended complaint (Doc. 19-1) is accepted as filed. The Clerk of Court is directed to DOCKET the amended complaint (Doc. 19-1) as a separate filing.
3. The pending motion (Doc. 15) to dismiss the original complaint is DISMISSED as moot, but without prejudice to defendants’ right to renew the motion as to the amended complaint.
4. Defendants shall FILE an answer to the amended complaint, or appropriate pretrial motion, in the manner set forth in the Federal Rules of Civil Procedure.
5. Plaintiff’s motion (Doc. 21) for extension of time to file a brief in support of his motion for leave to file an amended complaint is DISMISSED as moot.

S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania